

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**SETH A. SAFIER, for himself
and all others similarly situated,**

Plaintiff,

vs.

Civ. No. 09-801 JCH/ACT

**STATE FARM FIRE AND
CASUALTY COMPANY, an
Illinois Corporation; STATE FARM
MUTUAL AUTOMOBILE INSURANCE
COMPANY, an Illinois Corporation;
SERVPRO INDUSTRIES, INC., a Nevada
Corporation; and SPONM, INC. d/b/a/
SERVPRO OF NE ALBUQUERQUE, a New
Mexico Corporation.**

Defendants.

ORDER

This matter comes before the Court on Plaintiff's *Motion to Remand*, filed September 19, 2009 [Doc. 20], and Plaintiff's *First Motion to Amend/Correct Complaint*, filed January 4, 2010 [Doc. 65]. In the interest of informing the parties of the Court's rulings in advance of the settlement conference scheduled for January 19, 2010, the Court issues this order today, with an opinion more fully detailing the rationale for its decision to follow.

The Court having carefully considered the motions, briefs, affidavits, and relevant law, and being otherwise fully informed, finds that Defendants have demonstrated that this case meets the jurisdictional requirements for removal under the Class Action Fairness Act, and that the Class Action Fairness Act's "local matters" exception does not apply. Therefore, Plaintiff's remand motion is not well taken and is denied. In addition, the Court finds that leave to amend

Plaintiff's complaint should be given, so Plaintiff's timely filed motion to amend his complaint is granted.

IT IS THEREFORE ORDERED that Plaintiff's *Motion to Remand* [Doc. 20] is DENIED and Plaintiff's *First Motion to Amend/Correct Complaint* [Doc. 65] is GRANTED.

Dated this 13th day of January, 2009.


UNITED STATES DISTRICT JUDGE